

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: ORCHARDS TOWER SITE PO-1617-A

Case Number: CUP2004-00004; PSR2004-00018; SEP2004-00059;
EVR2004-00061

Location: 6018 NE 110th Avenue

Request: The applicant is requesting conditional use and site plan approval to construct a wireless communication tower with equipment cabinets, backup generator and propane tank. The property is approximately 0.2570-acres and is located in the CL zone district.

Applicant: Voice Stream PCS 1 LLC
Attn: Pat Evans, Development Manager
1500 NE Irving Street, Suite 530
Portland, OR 97232
(503) 914-8977
E-mail: pat.evans@t-mobile.com

Contact Person: Same as applicant

Property Owner: Thomas D. and Patricia A. Wallace
2022 NW Sierra Lane
Camas, WA 98607

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** November 17, 2004

Public Hearing Date: December 2, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Terri Brooks	4885	Terri.brooks@clark.wa.gov
Engineer (Trans. & Stormwater):	Paul Knox	4910	Paul.knox@clark.wa.gov
Team Leader:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov

Comp Plan Designation: CG (General Commercial)/CL (Limited Commercial)

Parcel Number(s): Lots 1 & 2, Block 3 (108900-000) of the subdivision of Orchard Park Lots as recorded at Book C Page 54, records of Clark County, Washington.

Applicable Laws:

Clark County Code: Chapter 40.230 (Commercial Districts); Section 40.260.250 (Wireless Communication Facilities), Section 40.500 (Procedures); Section 40.520.040 (Site Plan Review); Section 40.520.030 (Conditional Use Permits); Chapter 15.12 (Fire Code); Subtitle 40.5 (Critical Areas); Chapter 40.380 (Storm Water Drainage and Erosion Control); Chapter 40.350 (Transportation and Circulation); Chapter 40.570 (SEPA); Chapter 40.540 (Land Divisions); and State Law RCW 58.17 (Land Divisions).

Neighborhood Association/Contact:

There are no Recognized Neighborhood Associations in this area.

Time Limits:

The application was determined to be fully complete on September 29, 2004 (see Exhibit No. 10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 30, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on January 27, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on October 2, 2003. The pre-application was determined not contingently vested.

The fully complete application was submitted on April 9, 2004 and determined to be fully complete on September 29, 2004. Given these facts the application is vested on April 9, 2004.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 500 feet of the site on October 13, 2004. Notice was re-mailed to property owners within 660 feet (as required by the wireless communication ordinance) on October 28, 2004. This site is not located within the boundaries of a recognized neighborhood association. One sign was posted on the subject property and two within the vicinity on November 17, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 13, 2004.

Public Comments:

There were not any public comments submitted in response to the notice of application.

Project Overview

The site is located at the southwest corner of NE Rosewood and NE 110th Avenue. It is currently vacant and consists of two combined lots of an old subdivision. Site vegetation consists mainly of various grasses, weeds with some shrubs and trees. There are no critical areas located on the site. Adjacent land uses include the Orchards Feed Store to the north, single family residential uses on commercially zoned land to the east, a screen printing shop to the west and a charitable organization that distributes food and clothing to indigent persons to the south.

The applicant is requesting Conditional Use Permit and preliminary Site Plan approval to construct a new 120 foot tall wireless communication facility with an antennae array and radio equipment mounted on a 10 foot by 15 foot concrete pad. There will also be a generator and propane tank for backup power. This will all be within a landscaped and fenced area of approximately 1,000 square feet.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	General Commercial (CG)	Limited Commercial (CL)	Vacant land
North	General Commercial (CG)	Limited Commercial (CL)	Orchards Feed Store
East	General Commercial (CG)	Limited Commercial (CL)	Single Family Residence and a vacant lot
South	General Commercial (CG)	Limited Commercial (CL)	Charitable Organization (F.I.S.H.)

West	General Commercial (CG)	Limited Commercial (CL)	Retail Building that operates as a screen printing shop
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Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

The applicant has submitted additional narrative (Exhibit 18) that, combined with the original narrative, generally addresses the criteria of CCC40.260.250D, E and F. They indicate that they had attempted to locate on a tower owned by another carrier and on a BPA transmission tower however were either turned down or found that it would not provide the needed coverage. They also reviewed any possible support structures in the area but found no buildings tall enough to attain the needed service. The tower is proposed not to add much additional coverage but to assist existing towers which are overloaded by the volume of calls.

This site is located within an area that is zoned for commercial uses. There is some residentially zoned land about 200 feet to the east and across Rosewood Avenue, however the current uses on those residentially zoned properties are a middle school and warehouse buildings. The proposal will comply with FCC requirements for radio frequencies as documented in Exhibit 7, section XXV, so no adverse impacts from radio

frequencies are expected. Compliance with the Clark County Code for preferential zones, height limitations and landscaping will ensure that the proposal will not be significantly detrimental to the health, safety or general welfare of persons living or working in the neighborhood.

Although parts of the application were deficient in submittal information, they are issues that can be remedied at the time of final site plan approval. These issues are discussed in more detail below. This project will cause minimal noise and no dust after construction is complete and negligible traffic impacts from 1-2 trips per month. Staff therefore recommends approval of the conditional use permit subject to the condition that the applicant obtain final site plan approval. See Condition A-1.

Finding 2

The applicant shows two additional antennae locations on the tower in the elevation drawings and indicates in the narrative that it will be designed for these collocations, however no documentation that the tower could support them has been provided as required by CCC 40.260.250(G)(2)(b)(6). Three antennae arrays is the minimum required by CCC 40.260.250(E)(2)(a)(1). Staff acknowledges that this could be problematic as the future shape, size and weight of any collocated antennae would not be known at this time. However, this information is required and will need to be submitted prior to final site plan approval. See Condition B-1.

Finding 2

CCC 40.260.250(F)(3) contains the landscape standards for wireless communication facilities. If new support towers cannot be screened by existing vegetation or structures they must be screened with native vegetation that will reach a height of 30 feet or more and be 80% opaque year round. The landscaping must either be within the lease area or a covenant from the property owner is required to assure continued compliance with the landscape and screening requirements. Permanent maintenance is also required.

This screening and maintenance access has not been addressed at all and will need to be addressed prior to approval of the final site plan. See Conditions B-2 and B-3.

Finding 3

In addition, CCC 40.260.250(F)(3) requires the tower and equipment to be fully enclosed within a minimum 6 foot high gated and locked security fence surrounded by a minimum 5 foot landscape buffer to an L-3 Standard. The L3 standard provides physical and visual separation between uses or development principally using screening. The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year around. In addition, one tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an FI or F2 standard (Figure 40.320.010-6 and Figure 40.320.010-7) with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. Shrubs must be supplied in a minimum of five (5) gallon container or equivalent burlap balls with a minimum spread of thirty (30) inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a

registered landscape architect that the reduction will not diminish the intended effect or the likelihood the plants will survive.

The applicant is proposing to landscape the site with 26 Western Rhododendron spaced at 3 foot on center for the shrubs, one vine maple tree in the southwest corner and emerald carpet for groundcover to meet the L-3 standard. While the Rhododendrons and the emerald carpet will meet the shrub and groundcover requirements, one vine maple does not meet the tree requirements. Vine maple does not provide much of a tree canopy since they generally grow as a small tree or shrub with twisted, spreading limbs. Also, at one tree per 30 lineal foot it would require at least 4 trees of a species that could provide a tree canopy over the landscaped area as required by the L-3 standard. This will need to be changed prior to approval of the final site plan. See Condition B-4.

The applicant proposes to water the plantings for a period of one year to establish the plants and then indicates that no irrigation is required and proposes no additional maintenance. This does not comply with the requirement that landscaping be permanently maintained. If the applicant can submit a letter from a registered landscape architect that no additional maintenance is required for continued survival of the final plants proposed then it could be allowed. However that is unlikely to occur because in event of a drought, they would not be likely to survive. The Western Rhododendron is the state flower, a native to this area and grows profusely in the damp coastal areas. However its natural environment is not in the middle of an urbanized commercial area. The applicant will need to provide either a continuous permanent maintenance plan or the letter described above from a registered landscape architect prior to final site plan approval. See Condition B-5.

Since none of the proposed landscaping is within the lease area, a covenant from the property owner will be needed to assure that the property owner will not remove or damage the landscaping and that Nextel has the legal right to maintain it. See Condition B-3.

Finding 4

CCC 40.340.010(8) requires that all parking and maneuvering areas be paved. The site plan indicates the proposed parking area will be gravel. That will need to be revised on the final site plan. See Condition B-6.

Finding 5

CCC 40.260.250(F) contains the height limitations for new wireless communication towers. In this zone district the maximum height is 120 feet. As per the definition for height in CCC 40.260.250(C), this maximum height includes any antennae or lightning rods. The elevations submitted with the application show that the proposed tower will meet this standard and will not have a lightning rod attached at the top. Since it is very unusual to find this type of tower without lightning rods extending from the top of the tower it will be a condition of approval that the total height, including any lightning rods, be maintained at 120 feet. See Condition B-7.

Finding 6

As required by CCC 40.260.250(G)((3) a neighborhood meeting was held for this proposal on October 29, 2003 at Covington Middle School. Copies of the meeting announcement, sign-in sheet, minutes and publication were provided with the application to document the meeting (section XXXVIII of Exhibit 7). However a mailing list is also required to be submitted and was not initially provided. Staff called the applicant to request its submittal and the applicant faxed a mailing list on 11/9/2004. See Exhibit 20.

The mailing list showed that only property owners within a radius of 500 feet were notified, not the 660 foot radius required by code. Staff met with Mr. Evans, the applicant, who stated that they no longer had a copy of the actual mailing list. He indicated that they had changed the person handling the application process at least three times since the tower was applied for and that one of their previous planners had assured him that the 660 foot radius was actually used. He then produced a mailing list from a title company to show the 660 foot radius that he submitted and is Exhibit 21.

This information leaves staff in a quandary of whether the application can be approved or not. However staff has no reason not to believe that the correct radius was used. No public comments were received on the application and the notice of application and public hearing was sent to all within the 660 foot radius, see Exhibit 15. Therefore, staff recommends that the applications be approved unless significant and credible information is raised at the hearing to warrant reconsideration. Mr. Evans has acknowledged that this could set the stage for an appeal.

CRITICAL AREAS:

Finding 1

There are no critical areas such as wetlands, habitat, flood plain, geologic hazard areas or shorelines on or near the site.

TRANSPORTATION CONCURRENCY:

This application is not subject to transportation concurrency because of their negligible traffic.

TRANSPORTATION:

Finding 1 – Roads

In accordance with the provisions of CCC 40.350.030(B)(5), the applicant is required to construct frontage improvements along NE Rosewood and NE 110th Avenues. The applicant has applied for a design Road Modification requesting the waiver of this requirement.

Finding 2 – Access

The applicant proposes to access the site from an existing paved alley located the site's western boundary. This complies with the county's general access management policy of taking access from the adjacent street of lowest classification. The applicant shows a single gravel parking space located completely within the developments site.

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards.

Finding 3 – Sight Distance

Driveways and intersections shall have unobstructed sight distance triangles in accordance with the provisions of Section CCC 40.350.030(B)(8). A statement that adequate sight distance exists at the site egress was included on the preliminary plans submitted with the application. This statement was not certified by a professional engineer registered in the State of Washington and there is no evidence the show that sight distances were determined in accordance with procedures defined in the county standards. The corner sight distances shall remain unobstructed after completion of the project. See Condition B-8.

Finding 4 – Road Modifications

a. *Approval Criterion* - If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. The request shall meet one (or more) of the following four specific criteria:

- (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

b. *Modification Request –*

The applicant is requesting that they not be required to construct frontage improvements along NE Rosewood and NE 110th Avenues, which is required by CCC 40.350.030(B)(5).

Applicant's comments

The applicant should not be required to provide the required street frontage improvements because the application of the county road standards is grossly disproportionate to the projects impacts. The applicant has submitted an engineer's estimate prepared by WRG Design, Inc. which estimates the cost to construct the improvements required by the county standards to be approximately \$72,510. The applicant estimates that site may generate traffic at the rate of one trip per week.

Staff's Evaluation

Staff concurs with the applicant and finds that application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.

c. Staff Recommendations –

Based on the findings and the provisions of the Transportation Standards, staff recommends the request to waive the requirement to construct frontage improvements along NE Rosewood and NE 110th Avenues be **approved** since the criteria as described in Section CCC 40.550.010(A)(1) has been met.

Conclusions (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to Condition B-8, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 – Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000 (amended July 30, 2002 and September 17, 2002), apply to development and/or redevelopment activities that result in 2,000 square feet or more of new impervious surface; and all land disturbing activities, except those exempted in Section 40.380.030.

The project will not create more than 2,000 square feet of new impervious surface, and it is a land disturbing activity not exempted in Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, 40.380.

Finding 2 – Site Conditions and Stormwater Issues:

The preliminary plans submitted with the application show the proposed parking space and lease pad will create approximately 664 square feet of new impervious surface, which does not exceed 2,000 square feet.

Provided that less than 2,000 square feet of new impervious surface will be created by the project, the project would be exempt from the requirements of Section 40.380.040(B) (Water Quality) and Section 40.380.040(C) (Quantity Control). An abbreviated preliminary stormwater plan may be substituted for the preliminary stormwater plan, and a Technical Information Report shall not be required, provided sufficient information is provided to demonstrate compliance the requirements of the stormwater and erosion control ordinance and that the proposed development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.. See Condition B-9.

Finding 3 – Erosion Control

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance. See Condition B-10.

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to Conditions B-9 and B-10, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Recommendation: Approval

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Condition C-1.

Fire Protection Finding 3 – Fire Flow

Fire flow is not required for this application.

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated fire hydrant is adequate.

Fire Protection Finding 5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide fire apparatus access.

Fire Protection Finding 6 - Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are not required for this project.

WATER & SEWER SERVICE:

Finding 1

No water and sewer connections will be needed for this un-manned wireless communication facility.

IMPACT FEES:

Finding 1

Impact fees are not applicable to this proposal because of its negligible impact on traffic of 1 to 2 site visits per month.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

The publication date of the DNS was October 13, 2004, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on October 27th, 2004.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Staff Contact Person:

Terri Brooks, Planner, (360) 397-2375, ext. 4885
Travis Goddard, Team Leader, (360) 397-2375, ext. 4885

Responsible Official:

Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit A), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditional Use Permit Conditions of Approval

A-1 The applicant shall obtain final site plan approval for the project

B. Conditions that must be met prior to Final Site Plan approval; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Occupancy Permits per CCC, Section 40.350.030(C)(4)(i) & (j).

- B-1** Prior to site plan approval the applicant shall submit a report, dated, stamped and signed by an engineer licensed in the State of Washington that the structural capability of the tower will support two additional collocated antennae array. See Land Use Finding 2.
- B-2** The applicant shall revise the landscape plans to include screening with native vegetation that will reach a height of 30 feet or more and be 80% opaque year round. See Land Use Finding 2.
- B-3** The lease area shall be increased to include all landscaping or a covenant from the property owner shall be submitted that states the owner will not remove or damage the landscaping required by this site plan approval and that the applicant has the legal right to use that area for maintenance of the landscaping. See Land Use Finding 2 and 3.
- B-4** Revise the landscape plan to include one tree per thirty (30) lineal feet of landscaped area and that will provide a tree canopy over the landscaped area. See Land Use Finding 3.

- B-5** The applicant shall either submit a continuous permanent maintenance plan or a letter from a registered landscape architect that one year of maintenance is sufficient to provide for continued survival of the plants. See Land Use Finding 3.
- B-6** The site plan shall be revised to indicate that the proposed parking area is paved. See Land Use Finding 4.
- B-7** The height of the tower, including all antennae and lightning rods shall be maintained at 120 feet maximum. See Land Use Finding 5.
- B-8** The applicant shall submit a written declaration by an engineer licensed in the State of Washington stating that the development complies with the sight distance provisions of Section CCC 40.350.030(B)(8). The declaration shall be stamped with a valid seal of professional registration. See Transportation Finding 4.
- B-9** Provided that less than 2,000 square feet of new impervious surface will be created by the project, the project would be exempt from the requirements of Section 40.380.040(B) (Water Quality) and Section 40.380.040(C) (Quantity Control). An abbreviated preliminary stormwater plan may be substituted for the preliminary stormwater plan, and a Technical Information Report shall not be required, provided sufficient information is provided to demonstrate compliance the requirements of the stormwater and erosion control ordinance and that the proposed development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Stormwater Finding 2.
- B-10** An erosion control plan meeting the requirements of CCC 40.380.050 shall be submitted for review and approval prior to approval of the final plat. See Stormwater Finding 3

C. Conditions that must be met prior to issuance of Building Permits

- C-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire code. (See Fire Protection Finding 2)

D. Conditions that must be met prior to Final Inspection Approval

- D-1** The applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings, suitable for the site and that all tree species are native to the area.
- D-2** All paving, gravel areas and fencing as shown on the approved final site plan shall be constructed.

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Site Plans and other land use approvals:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- E-2** Prior to issuance of an approved occupancy for site plan,

Final Construction/(Site) Plan Review:

E-3 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-4 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-5 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-6 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-7 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-8 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-9 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such

additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>